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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,401	12/21/2001	Charlotte S. Centuori	5065US (01-01-116)	3602

7590 07/19/2004

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EXAMINER	
MENDOZA, ROBERT J	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,401	CENTUORI ET AL.	
	Examiner	Art Unit	
	Robert J Mendoza	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *43-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *43-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 43-46, 48-55 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of Lowe et al (USPN 5,052,685).

Walker, in FIGS. 1-3, col. 4:34-67, col. 6:1-21 and col. 7:50-67, discloses a gaming apparatus comprising a value input device, a display element, a central processing unit coupled to the display element, the value input device and the central processing unit receiving a wager via the value input device. Walker, in FIGS. 1-3, col. 4:34-67, col. 6:1-21 and col. 7:50-67, discloses the central processing unit causing the display element to display graphics associated with a game. Walker, in FIGS. 1-3, col. 4:34-67, col. 6:1-21, col. 7:50-67 and col. 8:50-67, discloses wherein the game comprises at least one of slots, blackjack, poker, Keno, and bingo, wherein the at least one audio output element comprises at least one of speakers, an audio port, and a transmitter, and an audio headset operably coupled to the at least one audio output element. Walker, in FIGS. 1-3, col. 4:34-67, col. 6:1-21, col. 7:50-67 and col. 8:50-67, discloses wherein the audio signals on the another of the at least two audio channels represent at least one of game play instructions, music, news, general information, promotional information, and confidential information. Walker, in FIGS. 1-3, col. 4:34-67, col. 6:1-21, col. 7:50-67, col. 8:50-67 and col.

11:1-62, discloses wherein the central processing unit determines a payout associated with an outcome of the game.

However, Walker lacks in explicitly disclosing a multi-channel mixer coupled to at least two audio channels of at least one sound card. Lowe teaches, in col. 1:50-67, col. 2:65-68, col. 3:1-35 and col. 5:16-31, producing and outputting two-channel signals from a sound card to a two-channel mixer unit and the mixer outputting to the speakers or headphones. Lowe discloses this feature with the intention of giving the game player the impression that the sound is emanating from a location other than the actual location of the speakers (i.e. surround sound) (col. 1:50-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lowe into the disclosed invention of Walker. One would be motivated to combine the teachings of Lowe with the disclosed invention of Walker in order to giving the game player the impression that the sound is emanating from a location other than the actual location of the speakers or headphones, and heighten the overall excitement of the game.

Claims 47 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of Lowe in further view of OFFICIAL NOTICE.

Walker does not disclose an audio output element including a volume adjustment control. OFFICIAL NOTICE has been taken that it is common within the art to use volume adjust control and wireless communication. It is common to facilitate users in lowering or raising the volume of sound being heard from headphones or speakers. One having ordinary skill in the art would have found it obvious to incorporate an audio output element including a volume adjustment control, in view of OFFICIAL NOTICE, in order to facilitate users in lowering or raising the volume of

sound being heard from headphones or speakers, and increase the overall excitement of the game.

Response to Arguments

Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, John Hotaling, can be reached at (703) 305-0780. The USPTO official fax number is (703) 872-9306.

RM

RM
July 14, 2004

JOHN M. HOTALING, II
PRIMARY EXAMINER